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CONFIDENTIAL

21 June 1955

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director (Plans)

SUBJECT: Information or Allegations Concerning Criminal Acts on the Part of Agency Personnel

REFERENCES:

- a. [] dated 26 May 1955
- b. Memo from DCI to I. G., DD/P, DD/I, and DD/S dated 7 March 1955
- c. Memorandum to Deputy Director (Plans) from General Counsel, dated 13 June 1955

1. The General Counsel in his memorandum of 13 June 1955 (reference c.) points out that the regulation relating to overseas inspections by the Inspection and Review Staff of DD/P (reference a.) states that when evidence is discovered of possible acts of nonfeasance, misfeasance, or malfeasance, the matter shall be immediately referred to the Director of Central Intelligence, the Inspector General, and the Deputy Director (Plans). The General Counsel points out that the DCI's memorandum of 7 March 1955 (reference b.) charges him with the responsibility for obtaining concerted Agency action in each case wherein there is evidence or an allegation concerning the violation of a criminal statute of the United States.

2. The General Counsel concludes that when read separately, the referenced (a. and b.) documents might appear to lead to a conflict of responsibilities. However, if the documents are read in conjunction with one another with appropriate consideration for the responsibilities placed on Agency officials, there is no real conflict.

3. In preparing [] the Inspection and Review Staff noted that the Director did not consider the contents of his 7 March 1955 memorandum appropriate for Agency regulation. To have included these contents in [] would have been taking unwarranted liberties with the Director's stated opinion. Another factor influencing this decision was that the field was unaware of the Director's memorandum. The Inspection and Review Staff, after some deliberation, recommended that reference to the Director's memorandum be deleted.

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4. Each member of the Inspection and Review Staff is aware of the contents of the Director's memorandum of 7 March 1955 and we shall, as we have done in the past, continue to keep the General Counsel informed of all matters within the purview of his office.


Chief, Inspection and Review

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Distribution:

- Orig. & 1: addressee
1: Office of the General Counsel
1: Inspector General
1: Deputy Director (Support)
1: I&R Subject file
1: I&R chrono

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MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

Attachment

Reference A

SEP 7 1955

MEMORANDUM FOR: Inspector General
Deputy Director (Plans)
Deputy Director (Intelligence)
Deputy Director (Support)

SUBJECT : Information or Allegations Concerning Criminal
Acts on the Part of Agency Personnel

1. The Department of Justice is the arm of the Government charged with the responsibility for investigating and taking action on any information or allegations of any violation of Federal criminal statutes by persons employed by or connected with the Government. I, on the other hand, am responsible by law for the protection of intelligence sources and methods from unauthorized disclosure. It is obvious that if a criminal act were committed which involved information relating to intelligence sources and methods these responsibilities would be in conflict. I have established the policy that if the investigation and action on any information or allegation of violation of criminal law arising in connection with Agency operations does not involve a risk of compromise to the security of such operations or of intelligence sources or methods which would outweigh the benefits to be derived from prosecution, this Agency will cooperate with the Department of Justice in line with the latter's responsibility. The Department of Justice, on the other hand, has recognized that where legitimate security considerations would prevent prosecution or other appropriate action, investigation by them might well be in violation of my statutory responsibilities.

2. In order to maintain this satisfactory relationship, it is essential that we give immediate consideration to the question of disclosure to the Department of Justice on the receipt of any allegation or information of any violation of criminal law arising in connection with any matter under the jurisdiction of this Agency. Accordingly, any information, allegation, or complaint relating to any crimes involving Agency officers, employees, consultants, or agents shall be reported immediately upon receipt to the General Counsel with a copy to the Inspector General without waiting for the completion of any investigation. The General Counsel shall be responsible for obtaining concerted Agency action on each such case and for making recommendation to me on Agency action in relation to the Department of Justice.

3. I do not consider this a matter appropriate for an Agency regulation, but the heads of major components will be responsible for assuring that the purposes of this memorandum are carried out.

/s/ signed/
ALLEN W. DULLES
Director